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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,596	02/09/2004	Deirdre Michelle Joy Athaide	ARC920030060US1	1778
67232	7590	05/23/2008		EXAMINER
CANTOR COLBURN, LLP - IBM ARC DIVISION 20 Church Street 22nd Floor Hartford, CT 06103				GHERGISO, TECHANE
			ART UNIT	PAPER NUMBER
			2137	
MAIL DATE	DELIVERY MODE			
05/23/2008	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,596	<b>Applicant(s)</b> ATHAIDE ET AL.
	<b>Examiner</b> TECHANIE J. GERGISO	<b>Art Unit</b> 2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 February 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 26, 2008 has been entered.
2. Claims 1-40 have been examined and are pending.

### ***Claim Objections***

3. Claims 1, 8, 10, 16, 17, 24, 25, 32, 33 and 40 objected to because of the following informalities:

Claim 1: lines 3, 5, 6; claim 8: line 2; claim 10: line 2; claim 17: lines 4, 6, 9; claim 24: line 2; claim 25: line 2; claim 33: lines 3, 5, 8 and claim 40: line 2 recite “**encrypted content/title key**”. However, the “**content/title**” renders the claims ambiguous to define boundary and scope of the claims. The examiner suggests to replace with **encrypted content and title key**.

Claim 1: line 9; claim 16: line 2; claim 17: line 14; claim 32: line 3; claim 33: line 7, 9 and 12 recite “**title key decryption/encryption module**”. However, “**decryption/encryption**” renders the claims ambiguous to define boundary and scope of the claims. The examiner suggests to replace with title key decryption and encryption module.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (hereinafter referred to Harada as US Pub. No.: 2003/0009681) in view of Asano et al. (hereinafter referred to as Asano, US Pub No.: 2003/0051151).

As per claims 1, 17, and 33:

Harada discloses a processor-implemented  
creating an encrypted content/title key by encrypting the title key with the recordable  
media content (see abstract, paragraph 0008, lines 1-5);  
transmitting the encrypted content/title key package to a media recorder (paragraph 16,  
lines 6-11);  
obtaining a media key block and media ID from a physical medium (media key block  
and media ID are inherit (properties as disclosed by applicant on paragraph 6, lines 1-3,  
therefore, the limitations of media key block and media ID are met);  
transmitting the encrypted title key, the media key block and the media ID to a  
clearinghouse server utilizing a title key is an inherent property of the claimed invention as

disclosed by applicant on paragraph 6, to obtain the unique key the media key block and the media ID must be calculated according to CPRM standard which the applicant is claiming, therefore transmitting the media key block and the media ID to the clearinghouse is an inherent property of the claimed invention as it is necessary for the clearinghouse to obtain the media key block and the media ID such that content encrypted on the DVD/CD/Memory Card can be bound to a particular piece of device the title key comprises an underlying title key upon which a plurality of encrypted title keys , including the encrypted title key are based (para 0323);

decrypting the encrypted title key (paragraph 11, lines 1- 3);

deriving a unique media key for the physical media (paragraph 10, lines 1-5);

creating a re-encrypted title key by encrypting the title key with the unique media key (paragraph 11, lines 6-8);

transmitting the re-encrypted title key to the media recording .device to record on the physical media with the recordable media content (paragraph 11, lines 9-12).

Harada does not explicitly disclose wherein the clearinghouse server does not pre-store the title key. Hagan et al. in analogous art, however disclose wherein the clearinghouse server does not pre-store the title key ([0020] The first encryption key preferably is a title-unique key provided for the encrypted data, the second encryption key is a title key obtainable by decrypting the title-unique key, and the decryption key is generated by carrying out processing in accordance with the predetermined key generation sequence on the title key and at least one of a key stored in the information processing apparatus and a key stored in the recording medium). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the

invention was made to modify the system disclosed by Harada to include the clearinghouse server does not pre-store the title key. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so an information processing apparatus that allows encrypted data being recorded to be decrypted by the apparatus only if a proper license has been granted to the apparatus and eliminates decryption and re-encryption of the data in the processing to store the data as suggested by Asano et al. in (Page 2: 0017).

As per claims 2, 18 and 4:

Harada discloses encrypting the recordable media content with the title key (paragraph 0008, lines4-5).

As per claims 3, 19 and 35:

Harada discloses randomly selecting the title key (paragraph 0114, line 1).

As per claims 4, 20 and 36:

Harada discloses encrypting the title key with the recordable media in a manner agreed upon between the storage and distribution server (the storage and the distribution server encrypts the title key with the recordable media upon an agreed upon manner (paragraph 0008, lines 4-5)).

As per claims 5, 21 and 37:

Harada discloses encrypting the title key with a common key that is agreed upon between the recordable media content storage and the distribution server (the storage and the distribution server uses common key upon which they agreed (paragraph 0321, lines 21-23).

As per claims 6, 22 and 38:

Harada discloses encrypting the title key with a public key that is provided by the clearinghouse block (paragraph 0321, lines 24-26).

As per claims 7, 23 and 39:

Harada discloses encrypting the title key with a key obtained from a media key block (paragraph 0008 lines, 8-10).

As per claims 8 and 24:

Harada discloses the recordable media content storage stores the encrypted content/title key package for any sale or distribution to a user (paragraph 0207, lines 1-4).

As per claims 9, 25 and 40:

Harada discloses transmitting the encrypted content/title key package to the media recorder (paragraph 0293, lines 1-5).

As per claims 10 and 26:

Harada discloses extracting the encrypted title key from the encrypted content/title key package (paragraph 0009, lines 1-2, paragraph 0011, lines 2-3).

As per claims 11 and 27:

Harada discloses decrypting the encrypted title key using the media key block and media ID (paragraph 0011, lines 2-3).

As per claims 12 and 28:

Harada discloses deriving a media unique key fro the media key block and the media ID (paragraph 0011, lines 5-6).

As per claims 13 and 29:

Harada discloses recording the content and the re-encrypted title key on the physical media (paragraph 0011, lines 9-12).

As per claims 14 and 30:

Harada discloses transmitting a digest of the media key block to the clearinghouse server instead of a complete media key (paragraph 0235, lines 1-3).

As per claims 15 and 31:

Harada discloses determining from the digest of the media key block whether the condition have been met or not ((paragraph 0010, lines 3- 5; paragraph 0253, lines 1-6; paragraph 0257, lines 1-4; paragraph 0273 lines 3-10).

As per claims 16 and 32:

Harada discloses requesting the media key block from the media recording device if the title key decryption/encryption module determines the media has not met the condition (paragraph 0010, lines 3-5; paragraph 0253, lines 1-6; paragraph 0257, lines 1-4; paragraph 0273 lines 3-10)

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the notice of reference cited in form PTO-892 for additional prior art.

### **Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is **(571) 273-3784**. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

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obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. J. G./

Examiner, Art Unit 2137

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137